

Senate File 2117 - Introduced

SENATE FILE 2117

BY ZAUN

A BILL FOR

1 An Act providing for the disposition of fines collected by
2 a city or county pursuant to an automated traffic law
3 enforcement program.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.307, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 14. *a.* Notwithstanding any other provision
4 of law, civil fines collected by a county from the use of an
5 automated traffic law enforcement system shall be allocated as
6 follows:

7 (1) The amount necessary to satisfy contractual obligations
8 of the county relating to the use of automated traffic law
9 enforcement systems shall be retained by the county for that
10 purpose.

11 (2) Moneys in excess of the amount necessary for the purpose
12 specified in subparagraph (1) shall be deposited in the account
13 established in section 602.8108.

14 *b.* For purposes of this subsection, "*automated traffic law*
15 *enforcement system*" means a device with one or more sensors
16 working in conjunction with a traffic control signal or device
17 or a speed-measuring device to produce recorded images of
18 vehicles being operated in violation of traffic or speed laws.

19 Sec. 2. Section 364.3, subsection 2, Code Supplement 2011,
20 is amended to read as follows:

21 2. For a violation of an ordinance, a city shall not
22 provide a penalty in excess of the maximum fine and term of
23 imprisonment for a simple misdemeanor under section 903.1,
24 subsection 1, paragraph "a". Except as otherwise provided
25 in this section, an amount equal to ten percent of all
26 fines collected by cities shall be deposited in the account
27 established in section 602.8108. ~~However, one~~

28 a. One hundred percent of all fines collected by a city
29 pursuant to section 321.236, subsection 1, shall be retained
30 by the city.

31 b. Civil fines collected by a city from the use of an
32 automated traffic law enforcement system shall be allocated as
33 follows:

34 (1) The amount necessary to satisfy contractual obligations
35 of the city relating to the use of automated traffic law

1 enforcement systems shall be retained by the city for that
2 purpose.

3 (2) Moneys in excess of the amount necessary for the purpose
4 specified in subparagraph (1) shall be deposited in the account
5 established in section 602.8108.

6 (3) For purposes of this subsection, "automated traffic law
7 enforcement system" means a device with one or more sensors
8 working in conjunction with a traffic control signal or device
9 or a speed-measuring device to produce recorded images of
10 vehicles being operated in violation of traffic or speed laws.

11 c. The criminal penalty surcharge required by section 911.1
12 shall be added to a city fine and is not a part of the city's
13 penalty.

14 Sec. 3. Section 602.8108, Code Supplement 2011, is amended
15 by adding the following new subsection:

16 NEW SUBSECTION. 11. The clerk of the district court shall
17 forward to the treasurer of state, not later than the fifteenth
18 day of each month, all moneys received from counties pursuant
19 to section 331.307, subsection 14, and from cities pursuant to
20 section 364.3, subsection 2, paragraph "b", for deposit in the
21 road use tax fund.

22 EXPLANATION

23 This bill directs that, from the civil fines collected
24 by a city or county from the use of automated traffic
25 law enforcement systems, the amount necessary to satisfy
26 contractual obligations relating to the use of the systems
27 shall be retained by the city or county. Moneys in excess of
28 that amount are to be deposited in the road use tax fund.

29 Automated traffic law enforcement systems are devices with
30 one or more sensors which work in conjunction with a traffic
31 control signal or device or a speed-measuring device to produce
32 recorded images of vehicles being operated in violation of
33 traffic or speed laws.